

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application.

**Listing of Claims:**

1. (Currently Amended) A ~~An~~ isolated promoter comprising a nucleotide sequence corresponding to that shown as SEQ ID No. 1 or a nucleotide sequence with at least 75% homology to SEQ ID No. 1 ~~variant, homologue, fragment or derivative thereof~~.
2. (Currently Amended) A ~~An~~ isolated promoter having a nucleotide sequence corresponding to that shown as SEQ ID No. 1 or a nucleotide sequence with at least 75% homology to SEQ ID No. 1 ~~variant, homologue, fragment or derivative thereof~~.
3. (Currently Amended) A ~~An~~ isolated promoter comprising a nucleotide sequence corresponding to that shown in SEQ ID No. 1.
4. (Currently Amended) A ~~An~~ isolated promoter having a nucleotide sequence corresponding to that shown in SEQ ID No. 1.
5. (Currently Amended) A promoter according to claim 1, wherein the promoter is ~~obtainable~~ obtained from a plant of the genus *Oryza*.
6. (Withdrawn) A promoter capable of causing endoderm specific expression, wherein the promoter is obtainable from a plant of the genus *Oryza*.
7. (Currently Amended) A promoter according to claim 1, wherein the promoter is operably linked to a ~~NOI~~ nucleotide sequence of interest.
8. (Currently Amended) A promoter according to claim 1, wherein the promoter is linked to the sequence presented as SEQ ID No. 2, or a nucleotide sequence with at least 75% homology to SEQ ID No. 2 ~~variant, homologue, fragment or derivative thereof~~.
9. (Currently Amended) A promoter according to claim 8, wherein if ~~an~~ a ~~NOI~~ nucleotide sequence of interest is operably linked to the promoter then the sequence presented as SEQ ID No. 2, or a nucleotide sequence with at least 75% homology to SEQ ID No. 1,

~~variant, homologue, fragment or derivative thereof~~ is located intermediate the promoter of the ~~present invention~~ and the NOI nucleotide sequence of interest.

10. (Currently Amended) A promoter according to claim 1, wherein the promoter comprises one or more of the identified sequences ~~presented in Table 1~~ selected from the group consisting of SEQ ID NOS: 7-29 or a nucleotide sequence with at least 75% homology to a sequence selected from the group consisting of SEQ ID NOS: 7-29 ~~variant, homologue, fragment or derivative thereof~~.

11. (Currently Amended) A promoter according to claim 10, wherein the promoter comprises one or more of the identified sequences ~~presented in Table 1~~ selected from the group consisting of SEQ ID NOS: 7-29.

12. (Currently Amended) A promoter according to claim 10, wherein the promoter comprises all of SEQ ID NOS: 7-29 ~~the identified sequences presented in Table 1~~.

13. (Currently Amended) A promoter according to claim 1, wherein the promoter is linked to the sequence presented as SEQ ID No. 5, or a nucleotide sequence with at least 75% homology to SEQ ID No. 5 ~~variant, homologue, fragment or derivative thereof~~.

14. (Currently Amended) A promoter according to claim 13, wherein if ~~an~~ a NOI nucleotide sequence of interest is operably linked to the promoter then the sequence presented as SEQ ID No. 5, or a nucleotide sequence with at least 75% homology to SEQ ID No. 1 ~~variant, homologue, fragment or derivative thereof~~ is located intermediate the promoter of the ~~present invention~~ and the NOI nucleotide sequence of interest.

15. (Currently Amended) A construct comprising the promoter according to claim 1, ~~but~~ wherein the promoter is operably linked to a NOI.

16. (Currently Amended) An expression vector comprising the ~~invention~~ promoter according to claim 1.

17. (Currently Amended) A transformation vector comprising the ~~invention~~ promoter according to claim 1.

18. (Currently Amended) A transformed host or host cell comprising the ~~invention~~ promoter according to claim 1.

19. (Currently Amended) A transformed host or host cell according to claim 18, wherein the host or host cell is a plant or a plant cell.

20. (Currently Amended) A method of preparing a POI protein of interest, the method comprising ~~expressing an~~ causing the expression of a NOI nucleotide sequence of interest which encodes at least a part of the POI protein of interest, wherein the NOI nucleotide sequence of interest is operably linked to a promoter, optionally isolating the expression product of the NOI nucleotide sequence of interest, forming the POI if the expression product of the NOI nucleotide sequence of interest is not all of the POI, optionally isolating the POI protein of interest; wherein the promoter is the promoter according to claim 1.

21. (Currently Amended) A method according to claim 20 wherein the NOI nucleotide sequence of interest codes for all of the POI protein of interest.

22. (Currently Amended) A method for expressing an NOI nucleotide sequence of interest in endosperm, the method comprising ~~expressing an~~ causing the expression of the NOI nucleotide sequence of interest when it is operably linked to the promoter according to claim 1.

23. (Currently Amended) ~~A~~ An isolated promoter sequence obtainable ~~obtained~~ from Deposit No. NCIMB 41011.

24. (Cancelled)

25. (Withdrawn) Use of a sequence presented as SEQ ID No. 2, or a variant, homologue, derivative or fragment thereof to increase expression levels of an NOI.

26. (Cancelled)

27. (New) A promoter comprising a nucleotide sequence corresponding to that shown as SEQ ID NO. 6.

28. (New) The promoter of claim 27, wherein the promoter is linked to the sequence presented as SEQ ID No. 2, or a variant, homologue, derivative or fragment thereof.

29. (New) The promoter of claim 27, wherein the promoter is operably linked to a nucleotide sequence of interest.

30. (New) A construct comprising a pGUSNOST expression vector and a RSus3 promoter operably linked to a *uidA* gene.

31. (New) The construct of claim 30, wherein the RSus3 promoter consists of the full-length RSus3 promoter and construct has a plasmid size of 7938 base pairs.

32. (New) The construct of claim 30, wherein the RSus3 promoter comprises a 5' truncation of the full length RSus3 promoter that consists essentially of a 571 base pair fragment spanning from -1160 to -1730 base pairs and construct has a plasmid size of 6963 base pairs.

33. (New) The construct of claim 30, wherein the RSus3 promoter comprises a 5' truncation of the full length RSus3 promoter that consists essentially of a 515 base pair fragment and construct has a plasmid size of 6907 base pairs.

34. (New) The construct of claim 30, wherein the RSus3 promoter comprises a 5' truncation of the full length RSus3 promoter that consists essentially of a 400 base pair fragment and the construct has a plasmid size of 6791 base pairs.

35. (New) The construct of claim 30, wherein the RSus3 promoter comprises a 1450 base pair fragment of the full length RSus3 promoter and the construct has a plasmid size of 6704 base pairs.

36. (New) The construct of claim 30, wherein the RSus3 promoter comprises a 1160 base pair fragment of the full length RSus3 promoter, generated by removing 1540 base pairs upstream the internal HindIII site, and the construct has a plasmid size of 6390 base pairs.

37. (New) The construct of claim 30, wherein the RSus3 promoter comprises a 161 base pair internal truncation of the full length RSus3 promoter, and the construct has a plasmid size of 7777 base pairs.

38. (New) The construct of claim 30, wherein the RSus3 promoter comprises a deletion of intron 1 of the full length RSus3 promoter, and the construct has a plasmid size of 5837 base pairs.

39. (New) A construct comprising a tandem repeat RSus3 promoter operably linked to a *uidA* gene.

40. (New) The construct of claim 39, wherein the RSus3 promoter comprises a 570 base pair fragment of the full length RSus3 promoter, and the construct has a plasmid size of 7536 base pairs.

41. (New) The construct of claim 39, wherein the RSus3 comprises a 740 base pair fragment of the full length RSus3 promoter, and the construct has a plasmid size of 7704 base pairs.

42. (New) The construct of claim 39, wherein the RSus3 promoter comprises a 170 base pair fragment of the full length RSus3 promoter, and the construct has a plasmid size of 7135 base pairs.

43. (New) A construct comprising a RSus3 promoter operably linked to a luciferase gene.

44. (New) The construct of claim 43, wherein the RSus3 promoter is a tandem repeat RSus3 promoter and the construct comprises a leg/pro enhancer element and has a plasmid size of 6643 base pairs.

45. (New) The construct of claim 44, wherein the RSus3 promoter comprises an intron sequence and the construct has a plasmid size of 7508 base pairs.

46. (New) The construct of claim 43, wherein the RSus3 promoter consists of the full-length RSus3 promoter and the construct comprises an intron sequence and has a plasmid size of 7735 base pairs.

47. (New) The construct of claim 43, wherein the RSus3 promoter comprises a deletion of intron 1 of the full length RSus3 promoter, and the construct has a plasmid size of 6870 base pairs.

48. (New) A construct comprising a NOS promoter operably linked to a luciferase gene, wherein the construct has a plasmid size of 4963 base pairs.